

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:20-cv-00184-RJC**

SEAN KINAHAN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

THIS MATTER comes before the Court on Plaintiff's Motion for Attorney's Fees Under § 406(b) (the "Motion"). (Doc. No. 19). In the Motion, Plaintiff contends that he is entitled to attorney's fees in the amount of \$12,000.00, which represents less than 25% of Plaintiff's accrued back benefits, to be paid from Plaintiff's back benefits pursuant to section 406(b) of the Social Security Act. 42 U.S.C. § 406(b). Defendant "neither supports nor opposes" the Motion. (Doc. No. 20). The Court has reviewed the Motion and supporting exhibits and finds that Plaintiff has established that he is entitled to attorney's fees pursuant to 42 U.S.C. § 406(b).

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Attorney's Fees, (Doc. No. 19), is **GRANTED**. The Commissioner of Social Security is hereby **ORDERED** to pay to Plaintiff's counsel the sum of \$12,000 from Plaintiff's back benefits and Plaintiff's counsel shall refund the \$8,000 EAJA fee to Plaintiff.

Signed: September 21, 2022



Robert J. Conrad, Jr.
United States District Judge

